


REMARKS

Applicants have carefully considered the Office Action dated February 10, 2005 regarding the above-identified application, and this response and the accompanying translation of the priority application are presented in a bona fide effort to address all issues raised in that Action. For reasons discussed below, it is believed that this case is in condition for allowance, and prompt favorable reconsideration is solicited.

The abstract has been amended, to reduce its length to fewer than 150 words.

A listing of the claims is included above, for the Examiner's convenience. It should be noted, however, that the listed claims are in original form without any amendments.

Applicants filed an Information Disclosure Statement in this matter on November 29, 2001. A copy of that Statement is included in the image file wrapper for the application, which is available on the USPTO's public web site. Apparently, the Statement was received and matched with the file of this application. The Office Action, however, did not include an initialed copy of the PTO-1449 form listing the documents cited in that Statement and did not otherwise acknowledge the Examiner's consideration of that Statement. It is respectfully requested that further examination of this application include consideration of the documents cited in that Statement and that the Examiner initial the PTO-1449 form to show consideration of the documents and return that form with the next Official communication regarding this application.



At the time the application was filed, Applicants claimed priority based on Japanese Patent Application No. 2000-286479, filed September 21, 2000. The certified copy of that priority application was filed on November 29, 2001. Soft copies of the transmittal and the certified copy of the priority document are included in the image file wrapper for the application, which is available on the USPTO's public web site. Apparently, the priority document was

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received and matched with the file of this application. The Office Action, however, did not acknowledge receipt of the priority document. It is requested that the Examiner confirm receipt of the priority document for this application and acknowledge receipt of that document in the next Official communication regarding this application.

Claims 1, 3, 5 and 7 stand rejected under 35 U.S.C. § 102 as anticipated by U.S. application publication number 2002/0071567 to Kurn et al. (hereinafter Kurn). Claims 2, 4, 6 and 8 were rejected under 35 U.S.C. § 103 as unpatentable over Kurn in combination with a literature document by Keutzer.

It is respectfully submitted that the priority date of this application (September 21, 2000) is earlier than the December 12, 2000 filing date of the Kurn publication. The certified copy of the priority document was filed November 29, 2001. Applicants are submitting herewith a verified English translation of the Japanese priority application. It is believed that the translation shows that the Japanese priority application fully supports the subject matter claimed in the present US application. The claims in this matter therefore should be entitled to the September 21, 2000 Japanese priority date (35 U.S.C. § 119), and Kurn is not prior art with respect to those claims. Since Kurn is not prior art, both art rejections that rely on Kurn should be withdrawn.

Upon withdrawal of the art rejections, all of the pending claims should be novel and patentable over the art. Hence, all claims should be in condition for allowance.


It is believed that this response addresses all issues raised in the February 10, 2005 Office Action. However, if any further issue should arise that may be addressed in an interview or by an Examiner's amendment, it is requested that the Examiner telephone Applicants' representative at the number shown below.

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To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "Keith E. George", is written over a horizontal line.

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